REMARKS

Status of the Application:

This paper is filed in response to the Office Action mailed on February 7, 2008 (hereinafter, the "Office Action"). At the time the Office Action was mailed, claims 1-6, 8-14, and 17-25 were pending in the application. Claims 12-14 were withdrawn without prejudice. In the instant response, claims 1 and 6 have been amended, claims 26-27 have been added, and claims 5 and 19-25 have been cancelled without prejudice. Applicant reserves the right to pursue the cancelled claims in a continuing application.

Support for the amendment to claim 1 can be found, for example in claim 5 and paragraph 81 (page 19, lines 6-12) of the specification. Support for the new claims can be found throughout the application. For example, support for claim 26 can be found in paragraphs 61 and 62 (page 14, line 17- page 15, line 4) of the specification. Support for claim 27 can be found in paragraphs 63 and 64 (page 15, lines 5-19) of the specification. Therefore, upon entry of the instant amendment, claims 1-4, 6, 8-11, 17-18, and 26-27 will be before the Examiner for consideration.

Withdrawal of Rejections Under 35 U.S.C. § 112, second paragraph:

Applicant thanks the Examiner for the withdrawal of the rejection of claims 1-6, 8-11, and 15 under 35 U.S.C. § 112, second paragraph for being indefinite.

Rejections Under 35 U.S.C. § 112, second paragraph:

Claims 20 and 22 were rejected in the Office Action under 35 U.S.C. §112, second paragraph for being indefinite. While not agreeing with the Examiner, claims 20 and 22 have been cancelled without prejudice. Therefore, the rejection is moot.

Rejections Under 35 U.S.C. § 112, first paragraph:

1. Enablement.

Claims 19-21 and 23-25 were rejected in the Office Action under 35 U.S.C. § 112, first paragraph for lack of enablement. Without agreeing with the Examiner, Applicant has cancelled claims 19-21 and 23-25 without prejudice. Therefore, the rejection is moot.

Rejections Under 35 U.S.C. § 103:

The Examiner has maintained the rejection of claims 1-6, 8-11 and 17-18 under 35 U.S.C. § 103 as being unpatentable over Kosaka et al. (*Exp. Cell Res.* 245:245-251, 1998; "Kosaka") and Haruta et al. (*Nature Neurosci.* 4:1163-1164, 2001; "Haruta") in view of Reynolds and Weiss (*Science* 255:1701-1710, 1992; "Reynolds").

Applicant respectfully disagrees.

Although no explicit teaching, suggestion, or motivation is required in order to combine the teachings of the references, a determination of obviousness must be made based on what a person of ordinary skill in the pertinent art would have known at the time of filing based on Graham inquiries concerning the scope and content of the prior art; the differences between the claimed invention and the art; and the level of ordinary skill in the art. Applicant submits that at the time of filing of the instant application one skilled in the art would not have been motivated to combine Kosaka, Haruta, and Reynolds.

Kosaka and Haruta teach that iris pigmented epithelial cells of chicks or mammals were successfully isolated and cultured. However, neither of the documents suggests or discloses a floated coagulated mass culturing technique (neurosphere method) for cells isolated from such a source.

Reynolds describes the coagulated mass culturing technique, but neither teaches nor suggests the use of the method for iris pigmented epithelial cells isolated from chicks or mammals. The Reynolds reference teaches the use of the mass culturing technique only for neuronal cells.

However, none of the references teaches or suggests what kind of treatment is conducted with the iris pigment epithelial cells isolated by the methods of Kosaka or Haruta before the floated mass culturing technique is applied, as is now claimed.

The invention as now claimed includes the steps of *separating an iris pigmented epithelium from the iris tissue extripated from an eyeball of an animal and dissociating the separated iris pigment epithelium into iris pigment epithelial cells by using a trypsin solution.* Such methods are neither taught nor suggested by the cited art.

The Examiner has rejected of claims 19-25 under 35 U.S.C. § 103 as being unpatentable over Kosaka and Haruta in view of Reynolds. Without agreeing with the rejection, Applicant has cancelled claims 19-25 without prejudice. Therefore, the rejection is moot.

Therefore, the invention as claimed cannot be considered obvious in view of any of the cited references.

Newly added claims 26-27:

Applicants have added new claims 26-27. Applicant submits that the claims are clear, fully supported by the specification as filed, and are both novel and non-obvious over the cited art. Entry and allowance of the claims is respectfully requested.

Conclusion:

In view of the amendments and arguments presented herein, Applicants submit that the claims are in condition for allowance.

Dated: April 25, 2008

Respectfully submitted,

By:/Colleen McKiernan/
Colleen J. McKiernan, PhD
Registration No.: 48,570
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, Massachusetts 02205
617-517-5555
Attorneys/Agents For Applicant